

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV12-08445-RGK (MANx)

Date October 16, 2012

Title ***FEDERAL NAT'L MORTGAGE ASSN. v. JULIO JIMENEZ et al.***Present: The
Honorable

R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

S. Williams, Not Present

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order to Show Cause Re: Jurisdiction

On October 2, 2012, Julio Jimenez ("Defendant") removed this case from Los Angeles County Superior Court on the basis of diversity jurisdiction.

A defendant has thirty days to effectuate removal starting from the date of receipt of summons and complaint by service of otherwise. 28 U.S.C. § 1446(b). Further, the removing defendant has the burden of proving that removal is proper. *See In re Ford Motor Co./Citibank (South Dakota), N.A.*, 264 F.3d 952, 957 (9th Cir. 2001) ("The party asserting federal jurisdiction bears the burden of proving the case is properly in federal court."). Here, the removal notice indicates that it was timely filed but does not provide proof of service or state the date which Defendant received the summons and complaint. For the Court to verify that removal is proper as alleged in the removal notice, Defendant must provide the Court with proof of the date on which the summons and complaint were received by service or otherwise.

Defendant is hereby ordered to show cause in writing no later than **October 26, 2012**, as to why this action should not be remanded for untimely removal.

IT IS SO ORDERED.Initials of
Preparer_____
slw
